

### **REMARKS**

Claims 2 and 3 are canceled herein. Claims 1 and 4-25 remain pending in the application.

#### **Claims 1, 12, 13, 16, 17 and 19-25 over Penzias**

In the Office Action, claims 1, 12, 13, 16, 17 and 19-25 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,450,481 to Penzias ("Penzias"), with claims 2, 3, 14, 15 and 18 rejected under 35 U.S.C. §103(a) as allegedly being obvious over Well Known Prior Art ("WKPA"). The Applicants respectfully traverse the rejection.

Claims 2 and 3 are canceled herein, however, claims 1, 16, 20 and 24 are amended herein to incorporate similar language from canceled claims 2 and 3.

Claims 1, 12 and 13 recite an apparatus that is powered by a battery for portable transportation between common telephones and relies on said common telephone for dialing functions, ringing functions, and hook-switch functions. Claims 16, 17 and 19-23 recite a method and apparatus relying on a battery for powering a portable speakerphone loudspeaker and a portable speakerphone microphone.

Penzias appears to disclose a conference call participation tracking device (Abstract). The conference call tracking device is either attached to a conventional telephone between the deskset and a handset, or added inside the conventional telephone for added capability (Penzias, col. 3, lines 22-30). An optional speakerphone may be provided to enable the use of the conference tracker by multiple parties at the same location (Penzias, col. 4, lines 20-22).

To assist in distinguishing Applicants' apparatus and method over Penzias and stress portability, claims 1, 12, 13, 16, 17 and 19-25 are amended herein to recite a method and apparatus relying on a battery.

In contrast to Applicants' apparatus and method, Penzias' invention is directed toward helping participants in a conference call determine who is involved with the call. Penzias' invention is unconcerned with portability and therefore would relay on conventional powering of the speakerphone circuitry,

i.e., an AC outlet, since failing to disclose or suggest a method and apparatus relying on a battery, as recited by claims 1, 12, 13, 16, 17 and 19-25.

The Examiner acknowledges that Penzias fails to disclose use of a battery. However, the Examiner alleges that WKPA “provides a battery”. The Examiner further alleges that it would have been obvious to modify Penzias to include a battery for purposes of providing a backup power source in the event of an AC failure (Office Action, page 11).

“Teachings of references can be combined only if there is some suggestion or incentive to do so.” In re Fine, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting ACS Hosp. Sys. v. Montefiore Hosp., 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). The Applicants are not claiming to have invented a battery. It is the application of a battery that distinguishes over the cited prior art. Penzias fails to suggest a need for a backup power source for any of the components with the system much less the conference call participation tracking device. Any modification of Penzias would therefore be based on improper hindsight.

Moreover, the Examiner alleged obviousness for modifying Penzias is unfounded. The majority of telephones are connected to an AC power source. Providing a backup power source for Penzias’ conference call participation tracking device would also require providing a backup power source for the telephone the conference call participation tracking device is connected to. Penzias fails to disclose or suggest modification of the conference call participation tracking device, much less disclose or suggest modification of both the conference call participation tracking device and the telephone the conference call participation tracking device is connected to to allow for functionality in the event of a power outage. Thus, the alleged reason to add a battery backup to Penzias would also require a battery backup to the telephone for full functionality in the event of a power outage, neither of which are obvious modifications of Penzias.

Claims 24 and 25 recite a voice pager speakerphone having a voice paging mode of operation and a speakerphone mode of operation adapting

a telephone for operation as a speakerphone through a speakerphone speaker and a speakerphone microphone.

The Examiner rejected claims 24 and 25 for the reason set forth in the rejection of claim 1 (Office Action, page 4). However, claims 24 and 25 recite limitation not found in claim 1. Therefore, the Examiner has not addressed the limitations for claims 24 and 25.

Penzias fails to even mention a pager in any context, much less a voice pager speakerphone having a voice paging mode of operation and a speakerphone mode of operation adapting a telephone for operation as a speakerphone through a speakerphone speaker and a speakerphone microphone, as recited by claims 24 and 25.

Accordingly, for at least all the above reasons, claims 1, 12, 13, 16, 17 and 19-25 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

#### **Claims 4-11 over Penzias in view of Hemkumar**

In the Office Action, claims 4-11 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Penzias in view of U.S. Patent No. 6,212,273 to Hemkumar et al. ("Hemkumar"). The Applicants respectfully traverse the rejection.

Claims 4-11 are dependent on claim 1, and are allowable for at least the same reasons as claim 1.

Claims 4-11 recite an apparatus that is powered by a battery for portable transportation between common telephones and relies on said common telephone for dialing functions, ringing functions, and hook-switch functions.

As discussed above, Penzias fails to disclose or suggest an apparatus that is powered by a battery for portable transportation between common telephones and relies on said common telephone for dialing functions, ringing functions, and hook-switch functions, as recited by claims 4-11.

The Office Action relies on Hemkumar to allegedly arrive at the claimed invention. The Applicants respectfully disagree.

Hemkumar appears to disclose, and is relied on to disclose, a full-duplex speakerphone circuit that includes a control interface (Office Action, page 5). Hemkumar fails to disclose or suggest any type of portability or use of battery power, much less an apparatus that is powered by a battery for portable transportation between common telephones and relies on said common telephone for dialing functions, ringing functions, and hook-switch functions, as recited by claims 4-11.

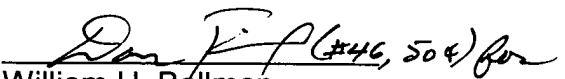
Thus, Penzias modified by Hemkumar would fail to disclose or suggest an apparatus that is powered by a battery for portable transportation between common telephones and relies on said common telephone for dialing functions, ringing functions, and hook-switch functions, as recited by claims 4-11.

Accordingly, for at least all the above reasons, claims 4-11 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

### **Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

  
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